


Part 5  
of 8

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 11-4-05

  
 Signature  
KATHERINE J GORDON  
 Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of \_\_\_\_\_  
 (Title)

\_\_\_\_\_  
 (Corporate, Trust, Partnership or other entity)

## Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.



**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 11-4-05

Robert Gordon  
Signature  
Robert Gordon  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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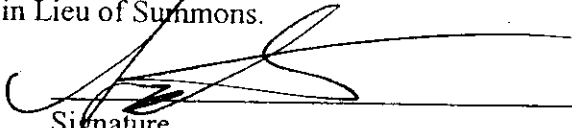
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Date: 9-22-05

  
Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Manager of

(Title)

GRS Pond, LLC

(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.



**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

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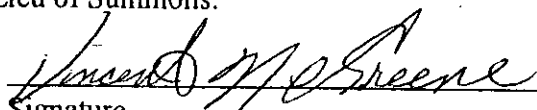
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Date: 10-26-2005

  
\_\_\_\_\_  
Signature

Vincent N. Greene  
\_\_\_\_\_  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

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Date: 11/1/05

Gerard Gregoris  
Signature

GERARD GREGORIS  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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Date: 11/1/05

LorAnne Gregoris  
Signature

LorAnne Gregoris  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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Date: 10-23-05

Michel Gregoris  
Signature

MICHEL GREGORIS  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of \_\_\_\_\_  
(Title)

\_\_\_\_\_  
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Date: 10-23-05

Yvette P. Gregoris  
Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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Date: 10/8/05

Catherine L. Gould  
Signature

Catherine L. Gould  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons. I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.


5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number:

Attorney: Self

Address: 10545 Silva Ranch Rd.  
Reno, Nv. 89523

Phone Number: 775 345 2000

Fax Number: 775 345 6816



(Signature)

Catherine L. Guild

(Printed or typed Name)

(Entity, if any, on whose  
behalf you are appearing)

(Address)

(Telephone number)



**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

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Date: 10/8/05



Signature

Clark J. Gwilt III

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

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WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

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Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

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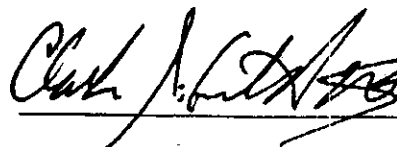
Attorney:

Self

Address: 10545 Silva Ranch Rd  
Reno, Nv. 89523

Phone Number: 775 345 2000

Fax Number: 775 345 6816



(Signature)

Clark J. Guild III

(Printed or typed Name)

(Entity, if any, on whose  
behalf you are appearing)

(Address)

(Telephone number)





**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

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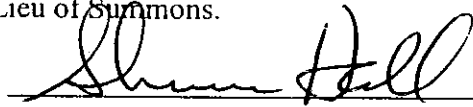
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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

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Date: 9-24-05

  
Signature

Shawn Hall  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, ) In Equity No. C-125-ECR  
 ) Subfile No. C-125-B  
WALKER RIVER PAIUTE TRIBE, )  
 ) NOTICE OF CHANGE OF  
Plaintiff-Intervenor, ) OWNERSHIP OF WATER RIGHT  
 )  
v. )  
 )  
WALKER RIVER IRRIGATION DISTRICT, )  
a corporation, et al., )  
 )  
Defendants. )

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has sold or otherwise conveyed ownership of all or a portion of a water right within one or more of the categories set forth in Paragraph 3 of the Case Management Order and provides the following information:

1. The name and address of the party or parties who sold or otherwise conveyed ownership:

Name(s)

Shawn Hall

Street or P.O. Box

P.O. Box 2354  
Minden Nev.

2  
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25  
26  
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28

Town or City State ZipCode

2. The name and address of each person or entity who acquired ownership

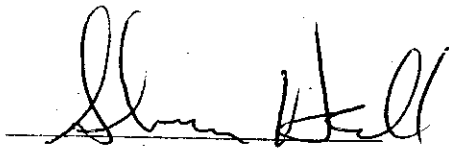
Name(s) *Lyons Co.*  
*STATE of Nev.*  
Street or P.O. Box

Town or City State ZipCode

3. Attached to or included with this notice is a copy of the (check appropriate box(es)):  
*My water rights were surrendered*  
*TO DO SUBDIVISION*  
*2 yrs Ago.*  
☐ Deed  
☐ Court Order  
☐ Other Document.

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Notice of Change of Ownership of Water Right using this form is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files



\* This notice shall be sent to the following two persons:

Linda Lea Sharer, Chief Deputy Clerk  
United States District Court for the District of Nevada  
400 South Virginia Street, Suite 301  
Reno, NV 89501

And

Susan L. Schneider  
United States Department of Justice  
P.O. Box 756  
Littleton, CO 80160

such a notice, but retains such water rights, shall nevertheless, be bound by the results of this litigation.

Executed this 24 day of Sept 2005.

[signature of counter-defendant]

*Shawn Hall*

[name of counter-defendant]

Shawn Hall

[signature, if applicable, of person acting on behalf of counter-defendant]

[name, if applicable, of person acting on behalf of counter-defendant]

P.O. [address] 2354  
Minden Nev.  
[telephone number] 89423

## OFFICE OF THE STATE ENGINEER

REGARDING [PERMIT/CERTIFICATE] NUMBER: 17756/5714AFFIDAVIT OF WITHDRAWAL OF WATER RIGHT IN FAVOR OF  
USE OF WATER FOR DOMESTIC WELLS CREATED  
BY SUBDIVISION OR PARCELING OF LAND

State of Nevada

SS

County of LYON

I, SHAWN HALL, do hereby swear under penalty of perjury  
base right holder  
 that the assertions of this affidavit are true.

1. I am the owner-of-record of all / (a portion) of 17756/5714  
(circle one) permit number, certificate number  
 as indicated in the records of the Nevada State Engineer.

2. I hereby withdraw an amount of water equivalent to:  
11 A.F.A.  
either a total amount of water equal to the sum of 202 a.f.a., or 1,800 g.p.d. for each proposed individual lot  
 acre feet annually from the water appropriated under 17756/5714  
permit number, certificate number or decreed right.

The water right or portion of water right withdrawn was appurtenant to the land more particularly described as follows: A PORTION OF THE NW 1/4 NW 1/4 OF  
Describe land drying up, describe with quarter sections, section.

SECTION 18, T.11N., R.24E., M.D.M.  
township, range, meridian and section - 1 p.s. 20 numbers

3. This withdrawal of the water right or portion of the water right is for the purpose of having sufficient water available to supply the domestic wells of homes located at the place described below and reflected on the attached map: N 1/2, SECTION 7, T. 11 N., R. 24 E.  
(Describe place where water will be used; describe with

& SE 1/4 NE 1/4, SECTION 12, T. 11 N., R. 23 E., M.D.M.  
quarter sections, section, township, range, M.D.M. and assessor's parcel numbers and attach map

4. I understand that this withdrawal of all / a portion of 17756 / 5714  
(circle one)  
permit number, certificate number or decreed right must be approved by the Nevada State Engineer in order for this withdrawal to become effective and enforceable.

5. I understand this withdrawal shall become effective upon the date approved by the State Engineer. However, if a final subdivision or parcel map is not recorded in the office of the county recorder of the county wherein the land division is located within 18 months after the State Engineer's approval the base right holder may petition the State Engineer to void this withdrawal on the basis that all proceedings concerning the division of land have been terminated.

6. I understand once this water right or portion thereof is withdrawn based on the recordation of a final subdivision map recorded in the office of the county recorder of the county wherein the land division is located, as provided in NRS 278.380 (1993), or in the case of a final parcel map as provided in NRS 278.4725 (1993), the process cannot be reversed nor can I claim the water withdrawn as a water right.

7. Upon approval of this withdrawal by the State Engineer, I shall record this Affidavit of Withdrawal in the office of the county recorder of the county in which the final subdivision or parcel map is recorded. I shall also record this Affidavit of Withdrawal in the office of the county recorder of the county in which the old place of use was located, if it is not the same county.

8. I shall provide the State Engineer with a certified copy of the recorded Affidavit of Withdrawal within thirty (30) days of recording the Affidavit with the county recorder.

DATED: This 24 day of JUNE, 2003

Shawn Hall  
Affiant's signature

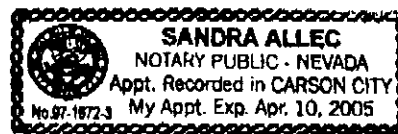
SHAWN HALL  
Affiant's printed name  
P.O. BOX 2354  
MINNEN APU. 89423  
Mailing Address

775-265-2554  
Telephone number

Subscribed and sworn to before me

this 24 day of JUNE, 2003

Sandra Allec  
NOTARY PUBLIC



APPROVED: This 23<sup>RD</sup> day of OCTOBER, 2003

[Signature]  
State Engineer

SEAL AFFIXED

## SUMMARY OF OWNERSHIP

Please retain this sheet on top of file

Page 1 OF 2  
ACRES  
ACRESPERMIT: 17756  
CERTIFICATE: 5714USE: IRR  
ISSUED: 4/8/1964CFS: 0.30  
CFS: 80DUTY: AFA  
DUTY: AFA

## REVIEW

DATE: 7/30/2004

BY: RLO

## LAST

UPDATE: 5/16/2005

BY: RLO

## OWNER

CFS

## APPURT-

ENANT

ACRES

CHANGED BY:

STATUS

REFERENCED

DOCUMENTS

DESCRIPTION

James G. Metternich &  
Margaret H. Metternich

0.0036

0.98

0.245

1-10

(no diversion rate in deeds)  
NW1/4 NW1/4 Sec 18  
T11N R24E

Sovereign Enterprises, LLC

0.0092

2.46

---

1-11, 16

Remainder

Shawn Hall

0.0454

11.0

---

1-10, 12

17756R01  
RLPAFFIDAVIT OF WITHDRAWAL  
Signed by S.E. 10/23/2003  
for N1/2, Sec. 7, T.11N., R.24E. &  
SE1/4NE1/4, Sec. 12, T.11N., R.23E.

James Lee

0.0076

2.02

---

1-10, 13

17756R02  
RLPAFFIDAVIT OF WITHDRAWAL  
Signed by S.E. 3/16/2004  
for NW1/4NW1/4 Sec. 10, T.11N., R.23E.  
easterly 1/2 APN 09-052-04

Sovereign Enterprises, LLC

0.0909

24.24

---

16

17756R03  
RLPAFFIDAVIT OF WITHDRAWAL  
Signed by S.E. 6/4/2004  
unspecified POB

ENCUMBRANCE(S) : YES ( ) NO (X)



## SUMMARY OF OWNERSHIP

Please retain this sheet on top of file

Page 2 OF 2  
ACRES  
ACRESPERMIT: 17756  
CERTIFICATE: 5714USE: IRR  
ISSUED: 4/8/1964CFS: 0.30  
CFS: 0.30DUTY: AFA  
DUTY: 80 AFA

## REVIEW

DATE: 7/30/2004BY: RLO

LAST

UPDATE: 5/16/2005BY: RLO

OWNER

CFS

DUTY

AFA

ENANT

ACRES

CHANGED BY:

STATUS

REFERENCED

DOCUMENTS

DESCRIPTION

Gilbert E. Cook and  
Linda L. Cook

0.09375

25.00

6.25

1-10

(no diversion rate in deeds)  
NW1/4 NW1/4 Sec 18  
T11N R24EJames Keegan, dba  
Sovereign Enterprises, LLC

0.0536

14.30

3.575

17756R04

RLP

AFFIDAVIT OF WITHDRAWAL  
Signed by S.E. 3/25/2005  
for N1/2NE1/4, E1/2NW1/4, Sec.28,  
Sec. 28, T.12N., R.23E.

ENCUMBRANCE(S) : YES ( ) NO ( X )



**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

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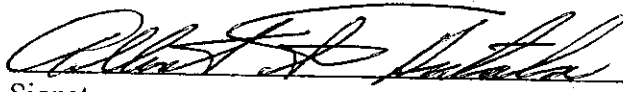
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Date: 11-01-05



Signature

ALBERT F. HATAIA

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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Plaintiff-Intervenor,

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Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

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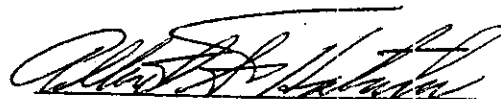
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me in these proceedings. I identify that attorney below, along with his or her mailing address,  
telephone number, and facsimile number:

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8 

9 (Signature)

10  
11 ALBERT F. HATALA

12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
16 behalf you are appearing)

17 50 GRANDVIEW LN  
18 WELLINGTON, NV. 89444

19 (Address)

20 775-465-2173

21 (Telephone number)



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1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 11-01-05

Mary Sue Hatela  
Signature

Mary Sue Hatela  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
Summons. I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, and facsimile number: